

AMENDED IN ASSEMBLY APRIL 1, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2572**

**Introduced by Assembly Member Firestone**

February 23, 1998

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An act to amend Section 1760.6 of the Welfare and Institutions Code, relating to Youth Authority facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2572, as amended, Firestone. Youth Authority facilities: major capital outlay projects: ward labor.

Existing law permits the director of the Department of the Youth Authority to require wards to provide labor to construct, renovate, or maintain facilities of the Youth Authority, so long as, among other things, the cost of the project does not exceed \$200,000.

This bill would increase the project cost limit in this provision to—~~\$250,000~~ *the amount specified in a designated provision of the Public Contract Code*, and would authorize utilization of ward labor on projects costing in excess of ~~\$250,000~~ *that amount* when determined by the State Board of Public Works to be in the best interests of the state.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1760.6 of the Welfare and  
2 Institutions Code is amended to read:  
3 1760.6. (a) The director may require wards of the  
4 Youth Authority to perform work necessary and proper  
5 to construct, renovate, or maintain facilities of the Youth  
6 Authority. For purposes of this section, and  
7 notwithstanding Section 10108 of the Public Contract  
8 Code, the department may construct, renovate, or  
9 maintain facilities of the Youth Authority with hired or  
10 staff labor forces, so long as wards of the Youth Authority  
11 are utilized as a majority of the labor force and so long as  
12 the estimated cost of the project, if contracted, does not  
13 exceed ~~two hundred fifty thousand dollars (\$250,000);~~  
14 ~~provided, the project limit established by Section 10108~~  
15 ~~of the Public Contract Code, provided that projects shall~~  
16 ~~not be divided for the purpose of keeping within the two~~  
17 ~~hundred fifty thousand dollar (\$250,000) project~~  
18 ~~limitation.~~ The department may provide for the payment  
19 of wages to wards of the Youth Authority for work  
20 performed pursuant to this section, the sums earned to be  
21 paid in reparation, or to the parents or dependents of the  
22 ward, or to the ward, in any manner and in any  
23 proportions as the department directs.  
24 (b) For minor capital outlay and maintenance projects  
25 that, pursuant to subdivision (a), the department has  
26 elected to accomplish with ward labor, if the department  
27 has not completed the project within the year of  
28 appropriation, then the amount of the unencumbered  
29 balance of the project shall be determined in accordance  
30 with Section 14959 of the Government Code, under  
31 which an estimate of the amount necessary for the  
32 completion of the project, including purchase of  
33 materials, hiring of labor and wards, equipment rental,  
34 supervision, and any other items, shall be deemed a valid  
35 encumbrance and shall be included with any other valid  
36 encumbrances in determining the amount of the  
37 unencumbered balance.

1 (c) For the purposes of this section, at least 90 percent  
2 of any nonward day labor utilized by the department in  
3 conjunction with ward labor shall be performed by  
4 individuals who are represented by a duly authorized  
5 employee representative unless individuals with that  
6 qualification are not reasonably available.

7 (d) Notwithstanding subdivision (a) or any other  
8 provision of law, the State Public Works Board may  
9 authorize the department to utilize wards of the Youth  
10 Authority to provide labor on projects relating to facilities  
11 of the Youth Authority, when the estimated cost of the  
12 project is in excess of ~~two hundred fifty thousand dollars~~  
13 ~~(\$250,000)~~ *the project limit established by Section 10108*  
14 *of the Public Contract Code*, if that utilization of ward  
15 labor is determined by the board to be in the best interests  
16 of the state.

